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RICHARD W. WERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

E-FILED

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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,) No. 07-00043 RMW
17 Plaintiff,) RS
18 v.) STIPULATION AND [PROPOSED]
19 RYAN ALEXANDER and) ORDER EXCLUDING TIME
20 CHARLES ALEXANDER,) SAN JOSE VENUE
21 Defendants.)
22

23 On January 29, 2007, the defendants in the above-captioned matter appeared before Judge
24 Richard Seeborg for an arraignment hearing. After the defendants entered a plea of not guilty to
25 the indictment, Assistant United States Attorney Susan Knight and Joshua Bentley, who
26 represents Ryan Alexander and made a special appearance on behalf of Charles Alexander,
27 jointly requested that the case be placed on Judge Whyte's calendar on March 12, 2007 at 9:00
28 a.m. for a status hearing. AUSA Knight explained to the Court that the government needs to
provide additional discovery to both defense counsel and asked for an exclusion of time under
the Speedy Trial Act from January 29, 2007 until March 12, 2007. The defendants', through Mr.

1 Bentley, agreed to the exclusion. The parties agree and stipulate that an exclusion of time is
2 appropriate based on the defendants' need for effective preparation of counsel.

3
4 SO STIPULATED: KEVIN V. RYAN
5
6 United States Attorney

7 DATED: _____ /s/
8 SUSAN KNIGHT
9 Assistant United States Attorney

10 DATED: _____ /s/
11 JOSHUA M. BENTLEY
12 Counsel for Ryan Alexander

13 DATED: _____ /s/
14 JONATHAN D. McDougall
15 Counsel for Charles Alexander

16 Accordingly, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act
17 from January 29, 2007 until March 12, 2007. The Court finds, based on the aforementioned
18 reasons, that the ends of justice served by granting the requested continuance outweigh the best
19 interest of the public and the defendants in a speedy trial. The failure to grant the requested
20 continuance would deny both defense counsel reasonable time necessary for effective
21 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
22 of justice. The Court therefore concludes that this exclusion of time should be made under 18
U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

23 SO ORDERED.
24 DATED: 2/2/07


25 RICHARD SEEBORG
26 United States Magistrate Judge

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